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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

11 WARREN HENDRIX,)
12 Plaintiff,)
13 v.) Case No. 2:17-cv-32
14 MIDLAND CREDIT MANAGEMENT, INC.,)
15 Defendant.)

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PLAINTIFF'S COMPLAINT

18 Plaintiff, WARREN HENDRIX ("Plaintiff"), through his attorney, SHARON D.
19 COUSINEAU, alleges the following against Defendant, MIDLAND CREDIT MANAGEMENT,
20 INC. ("Defendant"):

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INTRODUCTION

- 22 1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act 15 U.S.C. 1692,
23 *et seq.* ("FDCPA").

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JURISDICTION AND VENUE

- 25 2. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 15 U.S.C. §1692k

PLAINTIFF'S COMPLAINT

1 3. Jurisdiction of this Court arises pursuant to 15 U.S.C. 1692k(d), which states that such
2 actions may be brought and heard before “any appropriate United States district court
3 without regard to the amount in controversy.”

4 4. Venue and personal jurisdiction in this District are proper because Defendant does or
5 transacts business within this District, and a material portion of the events at issue occurred
6 in this District.

7 **PARTIES**

8 5. Plaintiff is a natural person residing in Brewster, Okanogan County, Washington

9 6. Plaintiff is a consumer as that term is defined by the FDCPA.

10 7. Plaintiff allegedly owes a debt as that term is defined by the FDCPA.

11 8. Defendant is a debt collector as that term is defined by the FDCPA.

12 9. Within the last year, Defendant attempted to collect a consumer debt from Plaintiff.

13 10. Defendant is a collection agency headquartered in San Diego, San Diego County,
14 California.

15 11. Defendant’s business includes, but is not limited to, collecting on unpaid, outstanding
16 account balances.

17 12. Defendant regularly collects, or attempts to collect, debts allegedly owed to third parties.

18 13. During the course of its attempts to collect debts allegedly owed to third parties, Defendant
19 sends to alleged debtors bills, statements, and/or other correspondence, via the mail and/or
20 electronic mail, and initiates contact with alleged debtors via various means of
21 telecommunication, such as by telephone and facsimile.
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23 14. Defendant acted through its agents, employees, officers, members, directors, heirs,
24 successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.
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FACTUAL ALLEGATIONS

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2 15. Defendant is attempting to collect an alleged consumer debt from Plaintiff that Plaintiff
3 does not owe.

4 16. The alleged debt at issue arises from transactions for personal, family, and household
5 purposes.

6 17. In or around September 2016, Defendant began calling Plaintiff on Plaintiff's cellular
7 telephone, 509-683-2221.

8 18. In or around December 2016, Plaintiff answered one of Defendant's phone calls and spoke
9 with a male representative.

10 19. During the aforementioned conversation, Defendant demanded payment from Plaintiff.

11 20. During the aforementioned conversation, Plaintiff explained that he could not afford to
12 make the payment at this time, but would make a payment when he was able.

13 21. Despite Plaintiff's explanation that he could not afford to make a payment, Defendant's
14 male representative continued to demand payment from Plaintiff.

15 22. During the aforementioned call, Plaintiff are told Defendant to stop calling him, and that
16 he would contact Defendant when he could pay.

17 23. Despite Plaintiff's request for Defendant to stop calling him, Defendant continued to place
18 collection calls to Plaintiff and demand payment.

19 24. The natural consequences of Defendant's statements and actions was to unjustly condemn
20 and vilify Plaintiff for his non-payment of the debt he allegedly owes.

21 25. The natural consequences of Defendant's statements and actions was to produce an
22 unpleasant and/or hostile situation between Defendant and Plaintiff.
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1 26. The natural consequences of Defendant's statements and actions was to cause Plaintiff
2 mental distress.

3 **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

4 27. Defendant violated the FDCPA based on the following:

- 5 a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural
6 consequences of which was to harass, oppress, and abuse Plaintiff in connection
7 with the collection of an alleged debt, when Defendant continued to call Plaintiff
8 after Plaintiff informed Defendant that he could not pay the debt at this time and
9 requested Defendant stop calling him; and
10 b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or
11 engaging any person in telephone conversation repeatedly or continuously with
12 intent to annoy, abuse, or harass any person at the called number, when Defendant
13 continued to call Plaintiff after Plaintiff informed Defendant that he could not pay
14 the debt at this time and requested Defendant stop calling him.
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16 WHEREFORE, Plaintiff, WARREN HENDRIX, respectfully requests judgment be
17 entered against Defendant, MIDLAND CREDIT MANAGEMENT, INC., for the following:

- 18 28. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15
19 U.S.C. 1692k;
20 29. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act,
21 15 U.S.C. 1692k; and
22 30. Any other relief that this Honorable Court deems appropriate.
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1 DATED: January 23, 2017

RESPECTFULLY SUBMITTED,

2 By: /s/Sharon D. Cousineau

3 Sharon D. Cousineau

4 Samwel Cousineau, PC

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25 PLAINTIFF'S COMPLAINT